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10/588,033	10/01/2007	Atsushi Okumura	09812.0565	4073

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EXAMINER	
HARVEY, DAVID E	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/588,033	OKUMURA, ATSUSHI	
	Examiner	Art Unit	
	DAVID E. HARVEY	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/19/2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. **Claim 25 is objected to because of the following informalities:**

   A) In claim 25, line 16, it appears that the term "when" should be deleted.

   Appropriate correction is required.

2. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

   > **(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.**

   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al.

I. The showing of Nakahara et al:

As is shown in Figures 4 and 5, Nakahara et al. discloses an editing system which includes:

A) A ***disk-determining circuit/unit*** for determining whether or not the loaded subject disc is a DVD + RW type disc that, by definition, includes a menu **[i.e., note step "S13" of Figure 4]**; and

B) An ***additional recording-control circuit/unit*** for disabling the recording of additional information on the loaded subject disc when the disc is not determined to be of the DVD + RW type **[i.e., note steps "S7", "S8" and "S13" of Figure 4]**;

wherein the system includes circuitry for editing the loaded subject disc, including the recording of additional information, when the loaded subject disc is determined to be of the DVD + RW type **[i.e., Note: paragraphs 0133 and 0134; and steps "S32" to "S35" of Figure 5].**

II. Differences:

Claim 20 differ from the showing of Nakahara et al. only in that claim 20 recites an "additional recording mode control unit" for indicating whether additional recording onto the inserted disk is allowed; i.e., wherein the additional recording-control disables additional recording when such is prohibited.

III. Obviousness:

As is evidenced via the showing of Ko et al., the examiner maintains that it was notoriously well known in the recording art to have:

1) Provided the user with means for "marking", e.g., mechanically and/or electronically, a given recording medium with a write protection flag to identify whether or not further writing to the medium is to be permitted or prohibited; and

2) Provided the recording/playback device with means, e.g., mechanical and/or electrically, for detecting the state of the flag and permitting/prohibiting writing to the medium based thereon.

[e.g., Note: Figure 16 and 17; and paragraphs 0002-0021]

The examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified the editing system disclosed by Nakahara et al. which the write protection circuitry described in Ko et al. to prevent information on the disk from being accidently overwritten; i.e., providing a write protection capability long recognized as having been advantageous by those of ordinary skill in the recording art (i.e., motivation for the modification).

4. **Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al for the same reasons that were set forth above for claim 20.**

5. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, for the same reasons that were set forth above for claim 20, further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al.**

The examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified Nakahara et al. in view of Ko et al for the reasons set forth above for claim 20:

Claim 1 differs from the modified system of Nakahara et al. only in that Nakahara et al. does not specifically describe the editing and rewrite processes **[i.e., @ steps "S32" to "S35" of Figure 5]** as including the updating/rewriting of the menu stored thereon to "match" the changes/additions made to the recorded content.

Kikuchi et al has been cited because it at least evidences that it was known to have been desirable, if not necessary, to have updated the menu of a DVD + RW type disc when the content of the DVD + RW type disc has been edited so that the content of the menu "matches" the media content of the disc **[e.g., See paragraphs 0019]**. In light of this showing, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have further "modified" the editing and rewriting processing of Nakahara et al **[@ steps "S32" to "S35" of Figure 5]** to have included the updating and rewriting of the menu to reflect (i.e., "match") the changes made in the media content.

6. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 1.**

7. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 2. Additionally:**

> Nakahara et al. broadly identifies the media content stored on the disc as representing music or image information **[Note paragraphs 0005]**. While not specifically describe, the examiner takes Official Notice that it was notoriously well known in the DVD + RW type disc recording art for such recorded image information to have represented either video information or still picture information; e.g., wherein the examiner notes that one need not go further than applicant's own specification, or the showing of Kikuchi et al , for support of this position.

8. **Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 2.**

9. **Claim 7 is are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 2., and in further view of Japanese Patent Document #2004-318923 to Shimizu et al. Additionally:**

> Claims 7 recite that the updating of the disc is performed in response to an instruction to eject the disc. It is noted that the advantages of finalizing/rewriting

such edited discs at the time of disc ejection was well known in the art given the time and computing power required for such finalizing/rewriting **[e.g., Note paragraph 0074-0075 of Shimizu et al]**. As such, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have further modified the system disclosed by Nakahara et al. to have includes such an advantageous feature.

10. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 2., and in further view of Japanese Patent Document #2004-318923 to Shimizu et al. Additionally:**

Claims 8 recite that the updating of the disc is performed in response to an instruction to eject the disc. It is noted that the advantages of finalizing/rewriting such edited discs at the time of disc ejection was well known in the art given the time and computing power required for such finalizing/rewriting **[e.g., Note paragraph 0074-0075 of Shimizu et al]**. As such, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have further modified the system disclosed by Nakahara et al. to have includes such an advantageous feature. As is was notoriously well known in the computer arts, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have required the user to respond to a displayed inquiry to confirm the exiting/ending of the editing process prior to the rewriting of the disc; i.e., to give the user one last chance to cancel the edits thereby avoiding the execution of undesired changes.

11. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 2. Additionally:**

Note the displayed image illustrated in Figure 6A of Nakahara et al. which confirm the fact that the disc is of the type that can be edited.

12. **Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 9.**

13. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 9, in further view of Japanese Patent Document #2004-318923 to Shimizu et al. Additionally:**

    Claims 15 recite that the updating of the disc is performed in response to an instruction to eject the disc. It is noted that the advantages of finalizing/rewriting such edited discs at the time of disc ejection was well known in the art given the time and computing power required for such finalizing/rewriting **[e.g., Note paragraph 0074-0075 of Shimizu et al]**. As such, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have further modified the system disclosed by Nakahara et al. to have includes such an advantageous feature.

14. **Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 9, in further view of Japanese Patent Document #2004-318923 to Shimizu et al. Additionally:**

    Claim 16 recite that the updating of the disc is performed in response to an instruction to eject the disc. It is noted that the advantages of finalizing/rewriting such edited discs at the time of disc ejection was well known in the art given the time and computing power required for such finalizing/rewriting **[e.g., Note paragraph 0074-0075 of Shimizu et al]**. As such, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have further modified the system disclosed by Nakahara et al. to have includes such an advantageous feature. As is was notoriously well known in the computer arts, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have required the user to respond to a displayed inquiry to confirm the exiting/ending of the editing process prior to the rewriting of the disc; i.e., to give

the user one last chance to cancel the edits thereby avoiding the execution of undesired changes.

15. **Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 9. Additionally:**

The examiner again notes that the recitations of claims 17-19 appear to be purely functional in nature in that the claims set forth what "the confirmation input" actually "represents". In the regard, the examiner contends that it would have been obvious to one of ordinary skill in the art that the modified system of Nakahara et al. would have operated as illustrated by the flow charts of Figures 4-5 each time the system was enabled regardless of what the enablement was in response to; i.e., regardless of what the confirmation input "represents".

16. **Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 9.**

17. **Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 9. Additionally:**

The examiner notes that one the disc is detected/confirmed by the modified system, the modified determines whether the menu is record thereon as it should be.

18. **Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication #2002/0012304 to Nakahara et al. in view of notoriously well known write protection configurations as evidenced by US Patent Document #2006/0077843 to Ko et al, and further in view of view of US Patent Publication #2003/0147629 to Kikuchi et al. for the reasons set forth above for claim 23. Additionally:**

> The examiner maintains that one skilled in the art would have understood a software implementation of the modified system to have been both desirable and obvious [e.g., as is evident via claim 28 of the Nakahara et al. publication].

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

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